

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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D'AMICO DRY D.A.C. :
Plaintiff, :
: - against - :
MCINNIS CEMENT INC. :
Defendant. :
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 05/19/2020

EX PARTE ORDER FOR PROCESS OF MARITIME ATTACHMENT

WHEREAS, on May 14, 2020 Plaintiff, d'Amico Dry d.a.c. ("Plaintiff") filed a Verified Complaint herein for damages against the Defendant McInnis Cement Inc. ("Defendant") amounting to **\$4,982,050** and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or any other designated process server attach any and all of the Defendant's property within the District of this Court; and

WHEREAS, the Court has reviewed the Verified Complaint and the Supporting Declarations, and the conditions of Supplemental Admiralty Rule B appearing to exist;

NOW, upon motion of the Plaintiff, it is hereby:

ORDERED, that Pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, the Clerk of the Court shall issue Process of Maritime Attachment and Garnishment against all funds, deposits, credits, security, accounts, letters of credit, bills of lading, monies, freights, sub-freights, charter hire, sub-charter hire or any other funds or

property, tangible or intangible (but specifically excluding electronic funds transfers in your custody as an intermediary bank) up to the amount of **US \$4,982,050** belonging to, due or being transferred to, from or for the benefit of the Defendant, including but not limited to such property as may be held, received or transferred in Defendant's name or as may be held, received or transferred for their benefit at or within the possession, custody or control of by any garnishees within this District, including but not limited to **NATIONAL BANK OF CANADA NEW YORK BRANCH** (garnishee) and it is further

ORDERED that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further order of the Court; and it is further

ORDERED that in light of the current situation surrounding COVID-19, service of this Order and the Writ of Maritime Attachment may be made by facsimile transmission or other verifiable electronic means, including e-mail, to the garnishee; and it is further

ORDERED that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further

ORDERED that pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) the garnishee may consent, in writing, to accept service by any other means.

Dated: May 19, 2020

SO ORDERED:

Valerie Capri
U. S. D. J.